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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,123	02/19/2002	Sara H. Basson	YOR920010683US1	6779

7590 07/16/2003  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER

NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/079,123

Applicant(s)

BASSON ET AL.

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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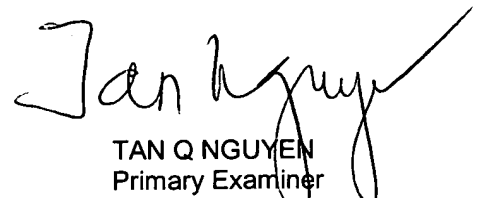
ART UNIT	PAPER
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3

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

  
TAN Q NGUYEN  
Primary Examiner  
Art Unit: 3661

## DETAIL ACTION

### *Notice to Applicant(s)*

1. This application has been examined. Claims 1-18 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-9, 12, 14-16 and 18 are rejected under 35 U.S.C. § 102(e) as being anticipated by McCarthy et al. (6,480,103).
4. As per claims 1, 5 and 9, McCarthy et al. disclose the invention as claimed which includes a processing device (figure 3, item 110), an image monitor for monitoring images associated with one or more items within the vehicle (see figure 3, item 304),

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means for communicating a message relating to the one or more monitored items (see at least column 15, lines 9-24), and a controller for controlling at least one function of the vehicle in response to the one or more monitored items (see figure 3, at least items 109, 214, 111, 222, or 216).

5. As per claims 2 and 3, McCarthy et al. do disclose that the communicated message is sent to the user via a pager (see figure 3, item 216).

6. As per claim 4, McCarthy et al. further disclose that at least one function of the vehicle is sending an alarm to the user (see figure 3, items 111, 222 or 216).

7. As per claims 6 and 7, McCarthy et al. also disclose at least one sensor for sending a situation associated with the vehicle, for example, temperature sensor, microphone (see figure 3, items 102, 352, 144, etc.)

8. As per claim 8, a network interface to facilitate transmission of a message does taught in McCarthy et al. reference in at least column 12, lines 43-65).

9. With respect to claims 12, 14-16 and 18, the limitations of these claims have been noted in the rejections above and in the McCarthy et al. reference. They are therefore considered rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 10, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. as applied to the claims above.

13. With respect to claim 10 and 17, McCarthy et al. disclose the claimed invention as discussed above except that the processor further defines a hierarchy of relevant importance associated with the message. McCarthy et al. do disclose the use of many sensors for detecting the conditions/situations in the vehicle and many be more messages will be sent to the user if more than one unsafe conditions exist. It would have been obvious to one of ordinary skill in the art to realized that the relevant important message will be sent first in order to let the user or automatically control the vehicle to avoid or solve the problems more appropriately.

14. With respect to claim 13, McCarthy et al. do not explicitly disclose that the communicated message to a driver indicated the key was left in the vehicle. However, such feature with the message "the key is in ignition" is too old and well known at the time the invention was made, for example in the Nissan 300ZX 1996 vehicle. It would have been obvious to one of the ordinary skill in the art to realize that the message sent via the pager as shown in figure 3 could be related to the key condition since it relates to the condition in the vehicle, where the sensors can detect.

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15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al. as applied to the claims above, and further in view of Gutta et al. (6,496,117).

16. McCarthy et al. disclose the claimed invention as discussed above except for a second camera for monitoring items outside of the vehicle. However, Gutta et al. suggest a system for monitoring a driver's attention to driving a vehicle which includes both driving monitoring camera and object monitoring camera (outside camera) in order to improve the safety for the driver, not only detecting the driver's attention, but also detecting the object in front of the vehicle (see at least figures 1, 2, and the related text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gutta et al. into the system of McCarthy in order to have another camera for sensing the objects outside the vehicle in order to use that information for controlling the safety of the vehicle, i.e. control the steering or brake to avoid collision for example.

### ***Conclusion***

17. All claims are rejected.

18. The following references are cited as being of general interest: Araki (4,774,570), Rea et al. (5,061,997), Johnson (5,986,543), and Levian et al. (6,580,973).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

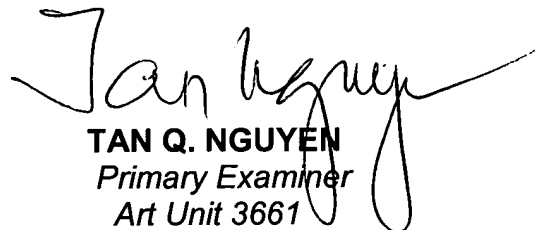
or faxed to:

(703) 305-7687, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 308-1113.

/tqn  
July 14, 2003

  
**TAN Q. NGUYEN**  
*Primary Examiner*  
*Art Unit 3661*